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In re Application of :  
BASSET et al. :  
Application No.: 09/737,269 :  
PCT No.: PCT/US99/13406 :  
Int. Filing Date: 14 June 1999 :  
Priority Date: 15 June 1998 :  
Attorney Docket No.: 17844-1 :  
For: ALKALI SOLUBLE LATEX :  
THICKENERS :  
SUPPLEMENTAL  
DECISION

This decision is supplemental to the decision mailed 13 December 2002.

#### BACKGROUND

On 14 June 1999, applicant filed international application PCT/US99/13406, which claimed a priority date of 15 June 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 23 December 1999. A Demand for international preliminary examination, in which the United States was elected, was filed prior to nineteen months from the filing date of the international application. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 15 December 2000.

On 14 December 2000, applicant filed, *inter alia*, a transmittal letter, a declaration of inventors, a filing fee of \$710.00 and an authorization to charge additional fees to Deposit Account No. 21-0100. The application was processed as a filing under 35 U.S.C. 111(a).

On 13 August 2001, the USPTO mailed a NOTICE TO FILE CORRECTED APPLICATION PAPERS, FILING DATE GRANTED, granting the application a filing date of 14 December 2000 and requiring an abstract.

On 10 September 2001, applicant submitted a "RESPONSE TO FILE CORRECTED APPLICATION PAPERS" which was accompanied by an abstract.

On 24 April 2002, the USPTO mailed a first office action on the merits.

On 15 July 2002, applicants filed a submission requesting, in effect, that the instant application be treated as a national stage filing of international application number PCT/US99/13406, which was treated as a petition under 37 CFR 1.181

On 23 August 2002, the USPTO mailed a final rejection.

On 13 December 2002, the USPTO mailed a decision indicating that the application would be treated as a national stage application of PCT/US99/13406 submitted under 35 U.S.C. 371 and that the application would be accorded a 35 U.S.C. 371(c) date of 14 December 2000. The decision was silent regarding the NOTICE TO FILE CORRECTED APPLICATION PAPERS, FILING DATE GRANTED, mailed 13 August 2001, the first office action on the merits mailed 24 April 2002, and the final rejection mailed 23 August 2002.

#### DISCUSSION

During initial processing, the specification and claims of PCT/US94/06998 were entered rather than the specification and claims of PCT/US99/13406. The first office action on the merits mailed 24 April 2002 and the final rejection mailed 23 August 2002 examined the specification and claims of PCT/US94/06998. Accordingly, those office actions are hereby VACATED. The NOTICE TO FILE CORRECTED APPLICATION PAPERS, FILING DATE GRANTED, mailed 13 August 2001 is also hereby VACATED since the application should have been processed under 35 U.S.C. 371 rather than 35 U.S.C. 111(a).

#### CONCLUSION

For the reasons set forth above, the NOTICE TO FILE CORRECTED APPLICATION PAPERS, FILING DATE GRANTED, mailed 13 August 2001, the first office action on the merits mailed 24 April 2002, and the final rejection mailed 23 August 2002 are hereby **VACATED**.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for processing the application as a national stage application of **PCT/US99/13406** and for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. 371(c) date of **14 December 2000** and issuance of a corrected filing receipt. The application will then be forwarded to Art Unit 1713.



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